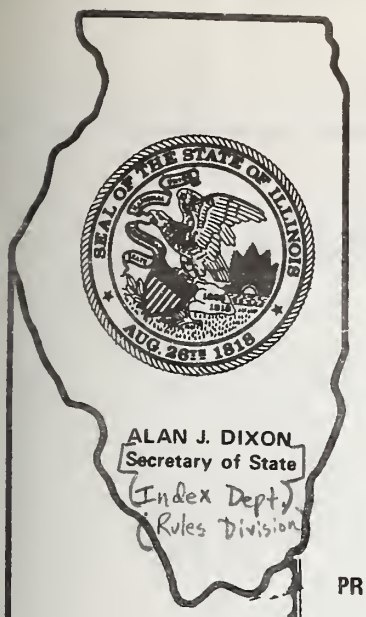

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NOTICE BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS

OF THE PROPOSED ADOPTION

OF AIRPORT HAZARD ZONING REGULATIONS

FOR DEKALB MUNICIPAL AIRPORT

NOTICE

The Illinois Department of Transportation, Division of Aeronautics, proposes to adopt Airport Hazard Zoning Regulations for DeKalb Municipal Airport pursuant to the provisions of the Airport Zoning Act (Illinois Revised Statutes, Chapter 15-1/2, Sections 48.1 through 48.37.).

The proposed regulations deal with the establishment of an airport hazard area in the vicinity of DeKalb Municipal Airport and establishes regulations governing surfaces and height limitations in respect to structures erected or altered in the vicinity of the airport.

A duly authorized representative of the Division of Aeronautics will conduct a Public Hearing in respect to the proposed airport hazard zoning regulations on Thursday, April 27, 1978, at 10:00 A.M., in the City Council Chambers of the City of DeKalb Municipal Building, 200 South 4th Street, DeKalb, Illinois.

At that time and place, interested persons may appear and orally present their views, comments, data and arguments concerning the proposed adoption of the said airport hazard zoning regulations.

Any interested person who is unable to attend the Public Hearing may submit in writing his or her views, comments, data or arguments concerning the proposed action on the airport hazard zoning regulations. Written submissions shall be filed by the person making the submission with Mr. David H. Lewis, Assistant Director of the Division of Aeronautics, Department of Transportation, Capital Airport, North Walnut Street Road, Springfield, Illinois 62706. No written submission will be considered unless it is postmarked or delivered in person on or before April 24, 1978.

The complete text of the proposed Airport Hazard Zoning Regulations for DeKalb Municipal Airport is as follows:

AIRPORT HAZARD ZONING REGULATIONS

FOR

DEKALB MUNICIPAL AIRPORT

ZONING PROVISIONS REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE DEKALB MUNICIPAL AIRPORT BY CREATING APPROPRIATE SURFACES, AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH SURFACES, DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE DEKALB MUNICIPAL AIRPORT ZONING MAP WHICH IS INCORPORATED INTO AND MADE A PART OF THESE REGULATIONS; PROVIDING FOR ENFORCEMENT; IMPOSING PENALTIES IN THE INTEREST OF PUBLIC SAFETY, PUBLIC WELFARE; AND PROVIDING FOR NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

These zoning regulations are adopted at the request of the City of DeKalb, a municipal corporation of the State of Illinois, as owner and operator of DeKalb Municipal Airport, pursuant to the authority conferred by an Act entitled, "An Act Relating to Airport Zoning" as approved July 17, 1945, (Illinois Revised Statutes, 1975, Chapter 15-1/2, Paragraph 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of DeKalb Municipal Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of DeKalb Municipal Airport and the public investment therein. Accordingly, it is declared: (1) that the creation or establishment of an airport hazard is a

public nuisance and an injury to the region served by DeKalb Municipal Airport; (2) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and (3) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation. It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY DETERMINED BY THE DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS OF THE STATE OF ILLINOIS, that the zoning regulations for DeKalb Municipal Airport be adopted as follows:

SECTION I: SHORT TITLE

These zoning regulations shall be known and may be cited as "Airport Hazard Zoning Regulations for DeKalb Municipal Airport".

SECTION II: DEFINITIONS

As used in these zoning regulations, unless the context otherwise requires:

(1) AIRPORT - The DeKalb Municipal Airport located near DeKalb, in Parts of Section 24, Township 40 North, Range 4 East of the Third Principal Meridian, and Part of Section 19, Township 40 North, Range 5 East of the Third Principal Meridian, DeKalb County, Illinois.

(2) AIRPORT ELEVATION - The established elevation of the highest point on the useable landing area; the established airport elevation shall be 911.0' above mean sea level.

(3) AIRPORT HAZARD - Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

(4) AIRPORT REFERENCE POINT - The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 55' 47" N and Longitude 88° 42' 55" W.

(5) ALTERATION - Any construction which would result in a change in height or lateral dimensions of an existing structure.

(6) CONSTRUCTION - The erection or alteration of any structure either of a permanent or temporary character.

(7) DEPARTMENT - The Department of Transportation, Division of Aeronautics of the State of Illinois.

(8) HEIGHT - The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

(9) PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR) or a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

(10) LANDING AREA - The area of the airport used for the landing, taking off or taxiing of aircraft.

(11) NON-CONFORMING USE - Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

(12) NON-PRECISION INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing

air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

(13) PERMIT - A permit issued by the Department of Transportation, Division of Aeronautics.

(14) PERSON - an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and includes this State and the Division of Aeronautics.

(15) POLITICAL SUBDIVISION - Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section III hereof.

(16) RUNWAY - An area of the airport designated for

the landing or takingg off of aircraft and consisting of either a specially prepared hard surface or turf.

(17) SLOPE RATIO - A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for each one foot vertically.

(18) STATE - The State of Illinois.

(19) STRUCTURE - Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(20) GROWTH - Any object of natural growth, including trees, shrubs or foliage.

(21) VARIANCE - A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section VIII.

(22) UTILITY RUNWAY - A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

(23) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

(24) APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL SURFACES - These surfaces are defined in Federal Aviation Regulations, Part 77.

SECTION III
SURFACES & HEIGHT LIMITATIONS

The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

Such airport imaginary surfaces are hereby created and established, in order to carry out the provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision

instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map for DeKalb Municipal Airport prepared by William J. Murray and Associates, Inc., of Springfield, Illinois, which is attached to these zoning regulations and made a part hereof, and referred to hereinafter as the zoning map. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surface.

The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:

(a) HORIZONTAL SURFACE - A horizontal plane 150' above the established airport elevation of 911.0' AMSL, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways.

The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

(b) CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal surface, at 150' above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.

The conical surface does not include the precision instrument approach surfaces and the transitional surfaces.

(c) PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200' beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any

point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:

(1) 250' for utility runways having only visual approaches;

(2) 500' for utility runways having non-precision instrument approaches;

(3) For other than utility runways, the width is:

(i) 500' for visual runways having only visual approaches;

(ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;

(iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.

(d) APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An

approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250' for that end of a utility runway with only visual approaches;

(ii) 1,500' for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000' for that end of a utility runway with a non-precision instrument approach;

(iv) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000' for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and

visual runways;

(ii) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and

(iii) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.

(3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

(e) TRANSITIONAL SURFACE - These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation of 911.0' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000'

measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.

(f) CIRCLING APPROACH SURFACE - This is a surface 200' AGL or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of DeKalb Municipal Airport and this surface increases in height in the proportion of 100' for each additional nautical mile of distance from the airport reference point up to a maximum of 500'.

(g) EXCEPTED HEIGHT LIMITATIONS - Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50' above the surface of the land.

SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and

use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

SECTION V
NON-CONFORMING USES

(1) REGULATIONS NOT RETROACTIVE - Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these

zoning regulations and is diligently prosecuted.

(2) MARKING AND LIGHTING - Notwithstanding the provisions of Section (V) (1), the owner of any existing nonconforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of DeKalb.

SECTION VI: PERMITS

(1) FUTURE USES - Except as specifically provided in Paragraphs (a), (b), and (c) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

(a) In the area lying within the limits of the

horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in these regulations, no permit shall be required for any growth or in any approach and transitional surfaces beyond a horizontal distance of 4,200' from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.

(b) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75' of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.

(c) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75' of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.

(2) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any

construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

SECTION VII
NON-CONFORMING STRUCTURES OR USES OR GROWTH ABANDONED OR DESTROYED

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

(a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and

(b) Whether application is made for a permit, or not, the Department may, by appropriate action, compel the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use or growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such Order within ten (10) days after notice thereof, the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have

a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

SECTION VIII: VARIANCES

(1) GENERAL - Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a Variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.

(2) MARKING AND LIGHTING - Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

SECTION IX
NOTICE OF CONSTRUCTION OR ALTERATION

(1) CONSTRUCTION OR ALTERATION REQUIRING NOTICE - The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established herein by Section III hereof with respect to DeKalb Municipal Airport:

(a) Any construction or alteration of more than 200' in height above the ground level at its site.

(b) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(1) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3200' in actual length.

(2) 50 to 1 for a horizontal distance of 10,000' from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200' in actual length.

(c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward, 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (a) or (b) of this paragraph.

(d) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department or these zoning regulations.

(2) CONSTRUCTION OR ALTERATION NOT REQUIRING NOTICE - No

person is required to notify the Department for any of the following construction or alterations with respect to DeKalb Municipal Airport:

(a) Any antenna structure or 20' or less in height except one that would increase the height of another antenna structure.

(b) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

(c) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(3) FORM AND TIME OF NOTICE

(a) Each person who is required to notify the De-

partment under Paragraph (1) above shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, Capital Airport, North Walnut Street Road, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.

(b) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.

(c) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in Paragraph (b) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-30 submitted within five (5) days thereafter.

(4) ACKNOWLEDGEMENT OF NOTICE

(a) The Department will acknowledge in writing the receipt of each notice submitted under Para. (1) above.

(b) The acknowledgement will state that an aeronautical study of the proposed construction or

alteration has resulted in a determination that the construction or alteration:

(1) Would not exceed any standard of the Statute, rules and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or

(2) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation; or

(3) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that pending completion of any further study, it is presumed that construction or alteration would be a hazard to air navigation; or

(4) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and

lighted in accordance with such FAA standards; or

(5) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

SECTION X: ENFORCEMENT

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

SECTION XI
APPEAL AND JUDICIAL REVIEW

(1) APPEAL - Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.

(2) JUDICIAL REVIEW - Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of DeKalb County, Illinois, or

Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, "An Act in Relation to Judicial Review of Decisions of Administrative Agencies" approved May 8, 1945, as amended.

SECTION XII: PENALTIES

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a misdemeanor, and such hazard shall be removed by proper legal proceedings and such misdemeanor shall be punishable by a fine of not more than two hundred dollars ($200.00) and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of DeKalb County, or Circuit Court of any county in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

SECTION XIII
CONFLICTING REGULATIONS

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

SECTION XIV
SEVERABILITY

If any of the provisions of these zoning regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

SECTION XV: EFFECTIVE DATE

WHEREAS, the immediate application of the provisions of these zoning regulations are necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and

these zoning regulations shall be in full force and effect from and after their adoption by the Department, concurrence by the Illinois Commerce, and filing with the Secretary of State.

DEPARTMENT OF REGISTRATION AND EDUCATION

NOTICE OF RULEMAKING

(Adoption of Rule XI (Continuing Medical Education) as part of the Rules and Regulations Promulgated for the Administration of the Illinois Medical Practice Act)

Agency:	Department of Registration and Education
Statutory Authority:	Illinois Revised Statutes, 1977 Ch. 111, Par 4412
Effective Date of Rule:	April 7, 1978
Date Notice of Proposal Published in Register:	January 20, 1978
Difference Between Proposal and Final Version:	Articles have been renumbered

Summary and Purpose of Rule:

Rule XI of the Rules and Regulations Promulgated for the Administration of the Illinois Medical Practice Act requires, except as hereinafter stated, for biennial renewal of licenses to practice medicine in all its branches or to treat human ailments without the use of drugs or medicines and without operative surgery, 100 credit hours of approved continuing medical education, which may be earned at any time during the two-year term of the license. The purpose of this rule is to ensure that practicing professionals will be aware of recent scientific and technological advances and social changes in their fields.

For the renewal of such licenses which expire June 30, 1978, applicants must submit evidence of only 12 credit hours of continuing medical education earned at any time during the period of 24 months prior to April 1, 1978.

TEXT OF ADOPTED RULE

RULE XI

CONTINUING MEDICAL EDUCATION

ARTICLE I. STATUTORY AUTHORITY

This RULE is promulgated pursuant to Section 5.1 of the Medical Practice Act, approved June 20, 1923, as amended ("the Act"), and in conformity with the requirements of that Section with respect to mandatory continuing medical education (hereinafter called "CME") for persons licensed in Illinois pursuant to the Act.

ARTICLE II. BIENNIAL RENEWAL OF LICENSE

Section 1. The commencement date of the next renewal period for which licenses to practice medicine in all of its branches or to treat human ailments without the use of drugs or medicines and without operative surgery is July 1, 1978. At the time a person applies to the Department of Registration and Education of the State of Illinois ("Department") for renewal of the license to him or her pursuant to the Act for the renewal period commencing July 1, 1978 ("first renewal period"), or for any renewal period after June 30, 1980, such person ("renewal applicant" or "applicant") shall, subject as hereinafter provided, submit to the Department evidence, on forms supplied by the Department, of his or her CME:

(a) During the period commencing January 1, 1978, and ending March 31, 1978, in the case of applications for renewal for the first renewal period and thereafter

(b) During any period of 24 calendar months immediately prior to April 1 in the year in which will occur the commencement date of the period for which renewal of such license is sought. (The period of 24 calendar months immediately prior to the April 1 in which will occur the commencement date of the renewal period for which renewal of such license is sought is hereinafter sometimes called "prerenewal period.")

Section 2. The Department shall require 100 credit hours of CME relevant to the practice of medicine in all of its branches or the practice of any system or method of treating human ailments without the use of drugs or medicines and without operative surgery, as the case may be, for which such applicant holds a license issued by the Department, such credit hours to be distributed, except as hereinafter in this Section 2 stated, over a period of two years, and in any category or categories hereinafter designated, all as such applicant may elect, during the applicable prerenewal period; provided that, anything herein to the contrary notwithstanding, for the prerenewal period ending March 31, 1978:

TEXT OF ADOPTED RULE

(a) Each applicant shall be required to have a total of 12 credit hours (equivalent to an average of 4 credit hours of CME for each full calendar month during the period commencing January 1, 1978, and ending March 31, 1978), and the same may be distributed as the applicant may elect, subject as provided in the immediately succeeding subdivision (b) and

(b) Each applicant shall be required to have, and include, as part of the CME required hereunder, during the period commencing January 1, 1978, and ending March 31, 1978, both dates inclusive, at least one-third of the required CME credit hours (i) in the Category described in Section 1 of ARTICLE III as CATEGORY 1 or (ii) in the Category described in Section 3 of ARTICLE III as CATEGORY 1. The total number of required hours of CME, or any part thereof, may have been earned at anytime during the period of 24 months prior to April 1, 1978.

ARTICLE III. CATEGORIES OF CME FOR WHICH CREDIT SHALL BE AWARDED

Section 1. Activities approved by the Department for which CME credit may be earned by each person licensed to practice medicine in all of its branches during each prerenewal period are as follows:

CATEGORY 1 A minimum of 50 hours - up to the full 100 hours - in formal learning programs as defined in (a) below or by either or both teaching and medical care evaluation activities as defined in (b) below or in compliance with requirements equivalent to those provided by the applicable Illinois statutes or rules or regulations with respect to requirements of the kind hereinafter set forth in Section 2 of this Article III:

(a) At least 20 hours of verified attendance at any formal education program which is sponsored or cosponsored by an organization accredited for CME by American Medical Association ("AMA") prior to July 1, 1977, or accredited on or after July 1, 1977, by the Liaison Committee on Continuing Medical Education ("LCCME") or by the Committee on Continuing Medical Education of the American Osteopathic Association or by any other agency or institution recognized or accepted by the Department for the provision of continuing medical education, all subject to such further determination or determinations as may be made by the Department at any time or from time to time.

(b) Up to 30 hours of all or any verified teaching of medical students, postgraduate medical trainees, or of verified teaching of preceptees or practicing

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physicians in CME programs sponsored or cosponsored by any organization, agency or institution referred to in the immediately foregoing subparagraph (a) of this Category I or of verified participation in the activities of a medical audit, patient-care evaluation, utilization review committee or similar committee of a hospital licensed by the Illinois Department of Public Health; or verified participation in patient-care review activities of a Professional Standards Review Organization or other regional agency authorized by State or Federal law to monitor the quality of medical care; or verified participation in patient-care review activities of a medical foundation or other physician-organized or sponsored agency established voluntarily to monitor the quality of medical care, which such foundation or such other organization is approved by the Department.

CATEGORY 2 Up to 50 hours of:

(a) Verified attendance at, or participation in, meetings or recognized specialty or professional organizations, teaching rounds and exercises in postgraduate programs heretofore approved by the Liaison Committee on Graduate Medical Education ("LCGME"), or by the Committee on Continuing Medical Education of the American Osteopathic Association;

(b) Verified attendance at lectures, grand rounds, departmental or hospital scientific meetings, and similar activities in LCCME accredited hospitals which are not organized as formal education programs of the kind referred to in CATEGORY I of this Section I of ARTICLE III;

(c) Verified formal learning experiences sponsored by recognized agencies not accredited for CME, but approved by the Department, in subjects not directly related to clinical medicine that facilitate physician performance, such as courses in computerized patient-record systems, or training - including advanced degree programs - in education, health administration, and similar subjects;

(d) Papers prepared and delivered before recognized specialty societies, papers published in nationally recognized medical journals, or a chapter in a medical book, or an exhibit prepared for a medical meeting, each appropriately verified; and

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(e) Up to 50 hours - in verified self-instruction - individual use of audio-visual materials, use of teaching devices, and study of medical literature - which is sponsored or cosponsored by any recognized medical college, institution or national, state or local medical association, or national specialty society, or organization similar to any of the foregoing.

(f) Any excess credit hours from CATEGORY 1, paragraph (b), can be used to satisfy CATEGORY 2 requirements.

Section 2. Additional activities approved by the Department for which CME credit may be earned by any person licensed to practice medicine in all of its branches during each prerenewal period are as follows:

Up to the full 100 hours - in, or toward, verified compliance with any of the following requirements, provided that the applicable specific requirements, in each case, are substantially equivalent to, or greater than, those imposed by the applicable Illinois statutes or by these or any other applicable governmental rules or regulations:

(a) CME requirements of another state medical licensing authority;

(b) Certification or Recertification by a specialty board;

(c) CME requirements of a national specialty society; or

(d) Six months or longer, working full time in a residency program approved by the LCGME or in a postresidency fellowship,

all subject to the approval of the Department.

Section 3. Applicants who are licensed to practice a system or method of treating human ailments without the use of drugs or medicines and without operative surgery may earn CME credit during each prerenewal period for activities hereinafter set forth in this Section and then only to the extent stated:

CATEGORY 1 (a) A minimum of 50 hours - up to the full 100 hours - in verified attendance at any formal education program which is sponsored, cosponsored or accredited by:

(i) any chiropractic institution having approved status with the Council on Chiropractic Education approved by the Department or any chiropractic school or other chiropractic institution approved by the Department; or

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(ii) American Chiropractic Association or International Chiropractic Association, or any of their respective Council and Diplomate programs; or

(iii) Illinois Chiropractic Society or Prairie State Chiropractic Association, or any of their respective local chapters;

all subject to such further determination or determinations as may be made by the Department at any time or from time to time.

(b) Up to 30 hours of all or any verified teaching of chiropractic students, or postgraduate chiropractic trainees, or of verified teaching of preceptees or practicing chiropractors in CME programs sponsored or cosponsored by any organization referred to in the immediately foregoing subparagraph (a) of this Category I.

(c) Up to the full 100 hours - in, or toward, verified compliance with any of the following requirements, during each prerenewal period, provided that the applicable specific requirements, in each case, are substantially equivalent to, or greater than, those imposed by the applicable Illinois statutes or by these or any other governmental rules or regulations:

(i) CME requirements of another licensing authority with respect to chiropractors;

(ii) Certification or Recertification by a specialty board;

(iii) CME requirements of national chiropractic specialty society; or

(iv) six months or longer, working full time in a residency program approved by the Council on Chiropractic Education, or in a post-residency fellowship; or,

(v) attendance at programs of the kind referred to in subparagraph (a) of CATEGORY 2 of Section 1 of ARTICLE III.

TEXT OF ADOPTED RULE

CATEGORY 2 Up to 50 hours of any or all of the following:

(a) Verified self-instruction - individual use of audio-visual materials, use of teaching devices, and study of chiropractic or medical literature - which is sponsored or cosponsored by any institution or other organization hereinbefore referred to in subparagraph (a) of CATEGORY I of this Section 3 of ARTICLE III; and

(b) Papers prepared and delivered before recognized specialty societies, papers published in nationally recognized medical or chiropractic journals or a chapter in a chiropractic book or any exhibit prepared for a chiropractic meeting, each appropriately verified.

Section 4. Where any of the activities hereinbefore described is required by the terms hereof to be verified, the applicant may satisfy such requirement by the performance thereof and the filing with the Department of a statement under oath describing the particular activity or activities for which CME credit is at any time claimed with such particularity as shall be satisfactory to the Department, subject to the right of the Department to require further details with respect thereto in such form as the Department shall specify.

Section 5. One clock hour substantively spent satisfying the requirements of CATEGORY I or 2, or any part thereof, of Section I of ARTICLE III, or of Section 2, or any part thereof, of ARTICLE III or of CATEGORY I or 2, or any part thereof, of Section 3 of ARTICLE III shall equal one credit hour for the purpose of satisfying the CME credit-hour requirements hereof during any prerenewal period.

Section 6. Hospitals, organizations, associations, councils, committees, societies, colleges, schools, institutions or other entities (hereinafter called, individually, "sponsor") as a condition to being approved, or continuing to be approved, or having activities accepted by the Department, for CME credits which may be earned by renewal applicants in order to comply with CME requirements herein stated, shall at all times:

(a) Maintain accurate records of the names and addresses of all renewal applicants attending or participating;

(b) Record accurately in such records the exact number of hours of such attendance or participation, or both, by each renewal applicant;

(c) Issue to each renewal applicant a certificate certifying the exact number of hours of attendance or participation or both, signed by the registrar or other authorized officer of such

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sponsor; and specify that such certification is subject to the terms of this Section 6 of this ARTICLE III;

(d) Make available to any renewal applicant who, in any way, has attended, engaged or otherwise participated in any CME activities under the auspices of such sponsor and paid in full all tuition or other fees therefor, or to anyone designated by such applicant, the records or pertinent part thereof, requested by such applicant, for examination and audit during the regular office hours of such sponsor; and

(e) Maintain records in compliance with all applicable accreditation requirements.

Upon the failure of any sponsor to comply with any of the foregoing requirements, the Department, after notice to such sponsor and hearing before, and recommendation by, the Medical Examining Committee, may refuse to accept any such attendance or participation in any CME activities, courses or programs sponsored or cosponsored as in compliance with CME requirements under this RULE XI and may, by reason of such failure, thereafter refuse to accept, for CME credits, attendance or participation in, any such sponsor's CME activities, courses or programs until such time as the Department receives reasonably satisfactory assurances of compliance with this Section and all other applicable provisions of this RULE XI.

ARTICLE IV. CERTIFICATION OF COMPLIANCE WITH CME REQUIREMENTS

Section 1. Each application for biennial license renewal shall be under oath. Each renewal applicant shall, except as provided in Section 3 of this ARTICLE IV and in ARTICLE V of this RULE, certify, on such license renewal application, to such applicant's full compliance with the CME credit-hour requirements set forth in ARTICLE II of this RULE during the pertinent prerenewal period by marking an "X" or check mark in a box provided for such purpose or by so certifying in any other way which shall be satisfactory to the Department.

The Department may, but shall not be required:

(a) To set forth on such application the question:

Has the applicant fully complied with the valid applicable CME requirements for the renewal of such applicant's license which this application seeks? and

(b) To provide such applicant with the opportunity to make an affirmative answer on such application in any of the ways hereinbefore provided in this Section.

Section 2. The Department relies upon each individual applicant's integrity in certifying to such applicant's compliance with the CME

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requirements herein provided. Nevertheless, the Department reserves the right to require, if it so elects, any renewal applicant to submit, in addition to such renewal application, further evidence satisfactory to the Department demonstrating compliance with the CME requirements herein provided. Accordingly, it is the responsibility of each renewal applicant to retain or otherwise be able to have, or cause to be made, available, at all times, reasonably satisfactory evidence of such compliance.

Section 3. Any applicant who is first licensed in Illinois by examination after the effective date of this RULE, shall not be required to comply with any CME requirements herein set forth for the first renewal of such applicant's license.

Section 4. In the event that the Department shall find, with respect to any application for license renewal and any other evidence of compliance with the CME requirements of this RULE submitted to it by any renewal applicant that:

(a) Such application or any further evidence of compliance with the CME requirements herein provided for are, for any reason, unsatisfactory to the Department, whether because the Department has questions or doubts with respect to any matters set forth in such application or such further evidence, or both, or for any other reason whatsoever, or

(b) The Department has no satisfactory evidence demonstrating that such applicant has complied with the CME requirements provided by this RULE after requesting such applicant to furnish or otherwise provide such evidence,

the Department shall give to such renewal applicant personally or by written notice, by registered or certified mail, return receipt requested, addressed to such applicant at the address to which such applicant's last renewal application was addressed or any subsequent address furnished by such applicant, of (i) such finding, (ii) its proposed recommendation to the Director on the basis of such finding, and (iii) the date and place of hearing before the Medical Examining Committee. At such hearing such applicant shall have an opportunity to be heard with respect to such finding and proposed recommendation and to present evidence satisfactorily showing full compliance with the applicable CME requirements of this RULE or reason for waiver of such requirements, or any of them. Such applicant or the Department may have, if either party so elects, a stenographer present at such hearing to take down any testimony given thereat and preserve a record thereof, all at the expense of such applicant. After considering, also, such further evidence relating to the matters set forth therein as shall have been filed with the Department by such renewal applicant or, after reasonable notice to the applicant, by anyone else or presented at such hearing, the Medical Examining Committee shall present to the Director a written report of its findings and recommendations as to whether such applicant has satisfied, during the prerenewal period involved, the

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requirements of this RULE with respect to the relevant CME requirements, or reasons for waiver of such requirements, or any of them, and, accordingly, whether such applicant's application for renewal of license should be granted. A copy of such report shall be served upon such renewal applicant either personally or by registered or certified mail addressed as aforesaid. Within 20 days after such service, such renewal applicant may present to the Department his or her written motion for a rehearing, if desired, and shall specify the particular grounds therefor.

ARTICLE V. WAIVER OF CME REQUIREMENTS AND EXTENSION OF TIME WITHIN WHICH TO COMPLY

Any renewal applicant seeking renewal of license without full compliance with these CME requirements with respect to having the required number of credit hours of CME shall file with the Department application for license renewal, the required fee therefor, an affidavit setting forth the facts concerning such noncompliance, and a request for waiver of the CME requirements on the basis of such facts. Thereupon, if from such affidavit or any other evidence submitted, each case being considered by the Medical Examining Committee, on an individual basis, and upon written report and recommendation of the Committee, the Department finds:

(a) That, during the applicable prerenewal period, there was an absence of opportunities for CME in the locality or localities in which such renewal applicant was engaged in the lawful practice of the licensed profession during such prerenewal period and that the absence of such opportunities would interfere with the adequacy of medical services in such locality or localities or

(b) That good cause, as hereinafter defined, has been shown for granting to such renewal applicant an extension of time within which such applicant shall complete compliance with all such CME requirements or any part thereof with which such applicant has not complied,

the Department:

(i) In the case of situations involving item (a), shall waive the enforcement of such CME requirements and renew such license for the renewal period for which such applicant has applied and

(ii) In the case of situations involving item (b), shall specify the length of the extension of time granted, if any, within which such renewal applicant shall complete compliance with all such CME requirements and during which period of extension such renewal applicant may continue to practice, subject as hereinafter provided, and shall notify such applicant thereof.

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Good cause shall be, but is not limited to, any of the following:

(a) serving full time in the regular armed forces of the United States of America during any part of the applicable pre-renewal period.

(b) inability to devote sufficient hours during the applicable pre-renewal period to CME because of illness, incapacity, undue hardship or any other extenuating circumstances.

Any waiver of, enforcement of, or extension of time granted for, compliance with such CME requirements shall be without prejudice to the Department's power or right to refuse license renewal at any time or from time to time for any renewal period for which application is filed or for any remaining balance of such period because of noncompliance with CME requirements during any prerenewal period or any other proper ground for such refusal.

Hearing before the Medical Examining Committee with respect to any request for such waiver may be granted only if such hearing is requested at the time the request for such waiver is filed with the Department. The renewal applicant requesting such waiver shall be given at least 20 days written notice of the date, time and place of such hearing by certified mail, return receipt requested.

ARTICLE VI. NONCOMPLIANCE WITH THIS RULE XI

In the event that any renewal applicant becomes ineligible for license renewal because of failure to comply with any of the provisions of this RULE XI such applicant's license shall not be renewed pursuant to the renewal application theretofore filed by such applicant or pursuant to any other renewal application at any later time filed by such applicant and shall expire, subject to reinstatement as hereinafter in this ARTICLE VI provided. The Medical Examining Committee may recommend to the Director the reinstatement of any such applicant whose license has expired upon receipt of satisfactory evidence that such applicant or licensee has corrected any deficiency in the required credit hours of CME and is then in all other respects in compliance with this RULE and the Act.

ARTICLE VII. CONFIDENTIAL INFORMATION

Information which in any way relates to the CME of any licensee under the Act or the participation of such licensee therein, as same pertains to any aspect of such licensee's practice liability, public image or relationships with individual patients, shall be deemed strictly confidential, except that such information which may, at any time, be in the Department's files or other records may be made available:

(a) Upon written consent of such licensee or, in case of such licensee's death or disability, of such licensee's personal representative; or

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(b) At any hearing in which the Department or its Director or any other personnel of the Department, or the Medical Examining Committee, or the Medical Disciplinary Board shall be involved or otherwise interested; or

(c) At any court or administrative proceeding or at the taking of testimony, whether orally or by deposition, or both, in connection with any such proceeding, in which the Department or its Director or any other of its personnel shall be served with a subpoena or a subpoena duces tecum, as the case may be, of a court or administrative body of competent jurisdiction upon payment of the same fees and mileage as prescribed by law in the case of judicial proceedings in civil cases in Illinois courts.

NOTICE BY THE DEPARTMENT OF
LOCAL GOVERNMENT AFFAIRS OF THE
EMERGENCY AMENDMENT OF RULE 2 OF
"RULES OF DEPARTMENT OF LOCAL GOVERNMENT
AFFAIRS RELATING TO PROPERTY TAX"

Statutory Authorization: Section 130 of the "Revenue Act of 1939" (Chapter 120, Paragraph 611, Illinois Revised Statutes) and Section 68.13 of "The Civil Administrative Code of Illinois" (Chapter 127, Paragraph 63b14.13, Illinois Revised Statutes).

Effective Date of Amended Rule 2: March 31, 1978

Description of Emergency: Rule 2, as amended, must be effective on or before April 1, 1978 in order to be applicable to 1978 assessments for property tax purposes of the capital stock of those corporations assessed by the Department and local assessing officials.

Description of Revision: Rule 2 is amended to provide that, in determining a capital stock assessment, the income from exempt assets is to be deducted before determining the capitalized net earnings or profits, rather than first determining the capitalized income value, averaging the value of the assets therewith, and deducting therefrom the value of exempt assets. This will result in a more accurate capital stock valuation, inasmuch as the interest rates on exempt assets and the capitalization rate applicable to a particular type company are seldom, if ever, the same.

RULE 2 - Capital stock of domestic corporations

1. For the purpose of ascertaining the value of the capital stock, including the franchise, over and above the equalized assessed valuation of the tangible property of each company or association now or hereafter created under the laws of this State, and for the purpose of assessing the same, the value of each such company or association shall be determined as a unit, including in such unit valuation all the property of the company wherever located or used. Such unit valuation, with deductions, allocations and adjustments made for the purposes hereinafter specified, shall be used as the basis for determining said assessment.

2. In determining the value of each company or association as a unit, the assessing authority shall give consideration to the values derived:

a. By averaging:

(1) The net value of the assets of the company or association with

(2) the capitalized ~~income-value,~~ net earnings or profits; or

~~and-deducting-from-such-average-the-value-of-indebtedness-for-current expenses-and-the-value-of-the-following-property-owned-by-the-company-or association:~~

~~A.--United-States-Government-obligations-exempted-by-law-from state-and-local-ad-valorem-taxation;~~

~~B.--Shares-of-stock-of-other-companies-or-associations,-including banks,-incorporated-under-the-laws-of-Illinois;~~

~~C.--Shares-of-stock-of-foreign-corporations-having-tangible property-assessed-in-Illinois,-and~~

~~D.--Shares-of-stock-of-national-banks.~~

b. By averaging:

(1) The net market value of the shares of stock and ~~plus~~ evidences of indebtedness of the company or association, other than indebtedness for current expenses, ~~minus-the-value-of-property-listed-next above-in-items-A,-B,-C-and-D,~~ with

(2) The capitalized ~~income-value,-minus-indebtedness for-current-expenses-and-the-value-of-property listed-next-above-in-items-A,-B,-C-and-D~~ net earnings or profits.

The assessing authority shall also consider any other facts bearing on the value of the particular company or association.

The term "indebtedness for current expenses", wherever used in this rule, shall be defined to include debt incurred for rent, wages, taxes, insurance and similar operating costs, but shall not include indebtedness incurred for the purchase or improvement of real estate, for the purchase of securities and other investments, for the purchase of merchandise for resale, for the purchase of raw materials for manufacture and for the purchase of capital improvements.

The "net market value of the shares of stock plus evidences of indebtedness" shall be equivalent to the aggregate value of such shares of stock and evidences of indebtedness, other than indebtedness for current expenses, as determined from a consideration of any relevant information, including quotations in organized markets over such a period of time as may be reasonable~~,~~; but from the gross aggregate market value, there shall be deducted the value of any or all of the following property owned by the company or association:

a. United States Government obligations exempted by law from state and local ad valorem taxation;
b. shares of stock of other companies or associations, including banks, incorporated under the laws of Illinois;
c. shares of stock of foreign corporations having tangible property assessed in Illinois, and
d. shares of stock of national banks.

The term "net value of the assets" shall be the aggregate value of all assets of the company or association, at the valuations or amount shown on the books, records and accounts of the corporation at the close of business on March 31 preceding the date of the assessment, but with such adjustments and modifications by the assessing authority as may be necessary and appropriate to arrive at the net ~~market~~ value and with deduction in any case of the value of indebtedness for current expenses, and with deduction of the value of those assets included in items a, b, c and d listed next above.

The "capitalized ~~income-value"-shall-be-determined-by-capitalizing the-net-earnings-or-profits-and/or-by-applying-an-income-multiplier-to the-gross-earnings-or-profits,-using-a-capitalization-rate-and-income multiplier-reasonably-related-to-the-circumstances-of-the-particular type-of-company-or-association~~ net earnings or profits" shall be determined from a consideration of the net earnings or profits over such a period of time as may be reasonable, excluding from such earnings or profits income received from property which is exempt from ad valorem taxation under the Constitution and laws of the State of Illinois, but including in such earnings or profits the amount of interest paid on indebtedness, except indebtedness for current expenses. The capital value of such net earnings or profits shall be determined by averaging and capitalizing them, using weights and a capitalization rate reasonably related to the circumstances of the type of company or association.

3. For the purpose of ascertaining the net market value of the shares of stock plus evidences of indebtedness, the net value of the assets, the capitalized ~~income-value~~ net earnings or profits or any other element or factor necessary for making the assessment for any company or association, the assessing authority shall consider the information contained in the return, schedules and exhibits filed on forms prescribed therefor. The assessing authority may also give consideration to:

a. Any information appearing in or upon the books, records and accounts of said company or association;

b. Any information relating to the affairs of the company or association which may be made available to the assessing authority by any agency or department of local, State or Federal Government;

c. Any other information or source of information bearing on the value of the capital stock and indebtedness of the company.

4. From the unit value of each company or association, there shall be deducted the value of its real estate situated outside of Illinois, its tangible personal property having taxable situs outside Illinois and its intangible personal property with affirmative business situs outside Illinois.

In addition there shall be deducted the equalized assessed value of tangible property assessed in Illinois. For this purpose, equalized assessed value shall be deemed to be the assessed value of such tangible property as equalized by the application of the Department's rate per cent or multiplier for the county (i.e., the valuation which is shown on the tax bill and on which taxes are extended). The remainder, if any, shall be taken and held to be the full value of the capital stock, including the franchise, of such company or association over and above the tangible property thereof.

5. Upon the completion of the original assessments to be made by the Department of Local Government Affairs, it shall publish a full and complete list of such assessments at their value in the State "official newspaper." Any person or corporation feeling aggrieved by any such assessments may, within ten (10) days of the date of such publication, apply to the Department for a review and correction of the assessment complained of.

6. The assessed value of the capital stock, including the franchise, as determined for each company or association, shall be listed and taxed in the county, town, district, city or village where the principal office or place of business of such company or association is located in this State, or if there be no principal office or place of business in this State, at the place in this State where such company or association transacts business.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION OF PROPOSED RULE-MAKING TO MEET THE JOINT COMMITTEE ON ADMINISTRATIVE RULES' OBJECTIONS

Agency:

Proposed revisions to the Illinois Food Service Sanitation Rules and Regulations were published in the Illinois Register on December 30, 1977. The revisions were intended to clarify the requirements for Certification of food service managers and to grant an extension of time for compliance to facilities not in compliance because of unavailability of training programs. The Joint Committee on Administrative Rules objected to proposed Rule 3.05(a)(3) on the grounds that there was no definition of or criteria for determining "unavailability."

Date Notice of Proposal Published in Register:

December 30, 1977

Date Joint Committee on Administrative Rules' Statement of Objections Published in Register:

February 10, 1978

Summary of Action Taken by the Agency:

The Department has revised proposed Rule 3.05 to change the effective compliance date from July 1, 1978, to January 1, 1980, for all food service operations subject to the Regulations. Rule 3.06 has also been revised to extend until January 1, 1980, the provision allowing food service managers to take the examination offered by the Department without having first completed an approved training course.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION OF PROPOSED RULE-MAKING TO MEET THE JOINT COMMITTEE ON ADMINISTRATIVE RULES' OBJECTIONS

Agency:

The proposed revisions to the Illinois Water Well Construction Code Rules and Regulations were published in the Illinois Register on December 30, 1977. The revisions were intended to clarify and update the Rules to conform to new, approved material and practices, and establish a mechanism for contractors to use in requesting a variance from particular rules. The Joint Committee on Administrative Rules objected to proposed Rule 2.4 on the grounds that it did not contain sufficient specificity on variance application procedures and criteria for approval or denial. The Committee further objected to proposed Rule 9.1 in that no criteria was specified to be used by the Department in evaluation of casing made from material other than steel or plastic.

Date Notice of Proposal Published in Register:

December 30, 1977

Date Joint Committee on Administrative Rules' Statement of Objections Published in Register:

February 10, 1978

Summary of Action Taken by the Agency:

The Department has revised proposed Rule 2.4 by specifying procedures to be used in variance requests and by specifying the criteria the Department will use in approval or denial of the request. Proposed Rule 9.1 has been modified by rewording to eliminate some confusing language, by specifying procedures to be used in making application for approval of casing, and by outlining criteria to be used by the Department in approval or denial of the use of such casing.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

NOTICE OF MODIFICATION OF PROPOSED RULE-MAKING TO MEET THE JOINT COMMITTEE ON ADMINISTRATIVE RULES' OBJECTIONS

Agency:

The proposed revisions to the Illinois Water Well Pump Installation Code Rules and Regulations were published in the Illinois Register on December 23, 1977. The revisions were intended to clarify, add detail and establish a mechanism for contractors to use in requesting a variance from particular rules. The Joint Committee on Administrative Rules objected to proposed Rule 3.4 on the grounds that the Rule did not contain sufficient specificity on procedures for application for a variance and insufficient criteria to be used by the Department in approval or denial of the request for variance.

Date Notice of Proposal Published in Register:

December 23, 1977

Date Joint Committee on Administrative Rules' Statement of Objections Published in Register:

February 10, 1978

Summary of Action Taken by the Agency:

The Department has revised proposed Rule 3.4 by specifying procedures to be used in requesting a variance and the criteria the Department will use in approval or denial of the request.

NOTICE BY THE ILLINOIS POLLUTION CONTROL BOARD

OF THE PROPOSED AMENDMENT OF THE

WATER POLLUTION REGULATIONS AS

THEY PERTAIN TO BORON

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Sections 5, 13, 27, and 28 of "The Environmental Protection Act", Illinois Revised Statutes, Chapter 111 1/2, §§1001-1051 (1977) the Illinois Pollution Control Board has proposed to amend Chapter 3 of the Water Pollution Regulations, as they pertain to the boron water quality standard. The proposed regulation has been docketed PCB R76-18, The Proposed Amendment to Rule 203.1 of the Water Pollution Regulations.

DESCRIPTION OF THE SUBJECT
MATTER AND ISSUES INVOLVED

This proposed change concerns the boron water quality standard for a limited portion of an unnamed tributary of Wood River Creek and a limited portion of Wood River Creek. The general water quality standard for total boron is 1.0 mg/l. This change would allow a general water quality standard of 15.0 mg/l in the streams below Illinois Power Company's (IPC) ash lagoon system discharge as it flows to the Mississippi River. This change is being made in consideration of the high costs and uncertainty of boron control, the apparent lack of environmental degradation of Wood River Creek, and the elimination of the water quality problem when the Wood River Creek reaches the Mississippi. The proposed regulation change, the full text of which is set out hereafter, will add a specific exception, subsection (b), to the current Rule 203.1.

Originally the proposal was submitted to the Board on September 13, 1976. Two public hearings were held in this matter. The principal issues covered at the hearings were:

1. The impact high boron levels have had on aquatic and terrestrial life in and near the unnamed tributary and Wood River Creek.

2. The availability of technology to control boron in the ash lagoons.

3. The determination of the costs and benefits of the proposed regulations and balancing the two to determine the economic impact.

The last of those issues was the subject of a special study and hearing held pursuant to P.A. 79-790, amending the Environmental Protection Act, Ill. Rev. Stat., Chapter 111 1/2, §§1001-1051 (1977).

TIME, PLACE AND MANNER IN WHICH ALL INTERESTED PERSONS MAY PRESENT THEIR VIEWS CONCERNING THE PROPOSED AMENDMENTS CONCERNING BORON

All interested persons are invited to submit their views concerning the proposed action by filing written comments with the Clerk of the Board at the following address:

ILLINOIS POLLUTION CONTROL BOARD
309 W. Washington Street
Room 300
Chicago, Illinois 60606

Comments may be filed either in person or by mail. The record of this proceeding, including the transcripts and exhibits, is available for inspection and/or copying at the Board's office as is a draft Opinion detailing the Board's reasoning in proposing adoption of these amendments. All comments, Motions or other documents should be filed within 45 days of the date of publication of this issue of the Illinois Register. The Board's Offices are open from 8:30 a.m. to 5:00 p.m., except for weekends and State holidays.

COMPLETE TEXT OF THE PROPOSED AMENDMENT TO THE POLLUTION CONTROL BOARD WATER POLLUTION REGULATIONS AS THEY PERTAIN TO BORON FOLLOWS HEREAFTER:

PROPOSED AMENDMENT TO CHAPTER 3: WATER POLLUTION REGULATIONS AS IT PERTAINS TO BORON

Amend Rule 203.1 as follows:

203.1 Exceptions to Rule 203

(a) The fluoride standard of Rule 203(f) shall not apply to waters of the state which:

(1) receive effluent from the mines and mills of the fluorspar mining and concentrating industry, and

(2) have been designated by the Illinois State Water Survey as streams which once in ten years have an average minimum seven day low flow of zero.

Such waters shall meet the following standard with regard to fluoride:

Constituent	Storet Number	Concentration (mg/l)
Fluoride	00950	5

(b) The boron limitation in Rule 203(f) shall be inapplicable in the unnamed tributary of Wood River Creek which enters Wood River Creek 4700 feet above the confluence of Wood River Creek with the Mississippi River from a point 450 feet above the confluence of the unnamed tributary and Wood River Creek to said confluence, and in Wood River Creek from said confluence to the confluence of Wood River Creek and the Mississippi River, and in lieu of the limitation in Rule 203(f), the boron limitation shall be 15 mg/l in the aforesaid waterways.

NOTICE BY THE ILLINOIS DEPARTMENT OF INSURANCE
REGARDING PROPOSED RULE 9.19
IMPROPER CLAIMS PRACTICES

The Department of Insurance proposes Rule 9.19, Improper Claims Practices, to implement Sections 154.5 and 154.6 of the Illinois Insurance Code (Ill. Rev. Stat., 1977, Ch. 73, pars. 766.5, 766.6).

Public Act 80-926, effective October 1, 1977, amended the Illinois Insurance Code with respect to improper claims practices. The Act added Sections 154.5 through 154.8 and repealed Sections 154.1 through 154.4, formerly dealing with improper claims practices.

Proposed Rule 9.19 is the same as Emergency Rule 9.19 published in the January 6, 1978 edition of the Illinois Register. Emergency Rule 9.19 made no substantive changes in the Rule which had previously implemented Section 154.3 of the Illinois Insurance Code. Emergency Rule 9.19 merely reimplemented the Rule to correspond to the new statutory provisions regarding improper claims practices. Therefore, proposed Rule 9.19 likewise makes no substantive changes in the Rule as previously adopted.

Proposed Rule 9.19 deals with the following subject matters: examinations of insurance companies' claim files; unreasonable delays in the payment of claims; definition of "pertinent communications;" settlement of total losses; unreasonable travel; settlements of partial losses; betterment; practices where liability is reasonably clear; and settlements for less than the amount claimed. Proposed Rule 9.19 generally defines the improper claims practices standards imposed by the aforementioned statutes.

All interested persons who wish to present their views, comments and data concerning this proposed Rule may do so by writing to Mr. Roger Hahn or Mr. Dale Emerson, 213 East Monroe Street, Springfield, Illinois 62767.

The complete text of proposed Rule 9.19 follows.

ILLINOIS DEPARTMENTAL REGULATIONS

ARTICLE IX

PROVISIONS APPLICABLE TO ALL COMPANIES

Rule 9.19. (Improper Claims Practice).

Section 1. Authority.

This Rule is promulgated by the Director of Insurance under Section 401 of the Illinois Insurance Code, which empowers the Director "to make reasonable rules and regulations as may be necessary for making effective..." the insurance laws of this State. The purpose of this Rule is to implement Sections 154.5 and 154.6 of the Illinois Insurance Code.

Section 2. Scope.

This Rule shall apply to any company licensed to do an insurance business in this State that is transacting the kind or kinds of business described as class 2 (b) or class 3 (e) of Section 4 of the Illinois Insurance Code. This Rule shall apply to all claim activities occurring on or after January 1, 1978 to all pertinent policy forms on file with the Illinois Insurance Department on that date, and to all applicable policy forms filed after that date.

Section 3. Examinations.

The company's claim files are subject to inspection by the Director of Insurance or by his duly appointed designees.

In order that the designated personnel can reconstruct the company's activities:

a. all communications, transactions, notes and work papers shall be contained in the file;

b. all communications and transactions are to be dated; and

c. all notes and work papers contained in the file must be in such detail that all events can be reconstructed.

Section 4. (Implements Section 154.6(a), (l), (m), (o) of the Illinois Insurance Code.)

A. Any statement, written or otherwise, requiring that an insured complete a proof of loss in less time than is provided in the policy contract, is misleading and is not to be made. There can be no denial by the company for failure to exhibit the property without proof of demand by the company and unfounded refusal by the insured to do so.

B. Any statement, written or otherwise, requiring that a liability claimant complete a proof of loss, an accident description, a release or claim for damages, and that indicates his rights may be impaired if such a form is not completed within a specified time, is misleading and is not to be made.

C. Any statement requiring that an insured give written notice of loss within a specified time, and that seeks to relieve the company of its obligations under its policy if such a time limit is not complied with, is not to be made, unless such a statement is based upon the insured's unfounded refusal to give a written notice.

D. A company shall not require any insured to sign a release on any first party claim that may be interpreted as releasing the company from additional further contractual obligations.

E. Advance charge deductions (e.g., towing and storage charges) may not be made unless excessive charges have resulted from the insured's own volition. Advance charge deductions, if made, must be itemized and documented with reasons and dollar amount for each such deduction.

F. Claim payments involving more than one coverage, or involving a disputed settlement, or involving both, must contain a statement setting forth benefits. Such statements shall be in sufficient detail that the insured, the claimant, or an authorized representative of either can reasonably understand the benefits included within the claim payment.

G. In any case where there is no dispute concerning one or more elements of the claim, an offer of settlement for such undisputed elements shall be made without prejudice to either party in spite of the existence of disputes about other elements of the claim.

Section 5. (Implements Section 154.6(b) of the Illinois Insurance Code.)

The term "pertinent communications" shall mean all communications that, regardless of the source, are relevant to the handling of the claim.

Section 6. (Implements Section 154.6(c), (h), (i), (m), (o) of the Illinois Insurance Code.)

A. The term "investigation" is defined as all activities of the company related directly or indirectly to the determining of liabilities under the coverages afforded by the policy. This shall include, but not be limited to, a bona fide effort to communicate with all insureds and claimants within 10 calendar days after a notification of loss. Evidence of a bona fide effort must be maintained in the file. Notification given to an agent of an insurer shall be notification to the insurer. The investigation shall be deemed concluded when the company affirms or denies liability.

B. The term "settlement of claims" is defined as all activities of the company related directly or indirectly to the determining of the extent of damages that are due under coverages afforded by the policy. This shall include, but not be limited to, the requiring or preparing of repair estimates.

C. An unreasonable delay to pay automobile collision claims on a first party basis exists when a median payment period is in excess of 40 calendar days.

D. If a first party physical damage automobile claim remains unpaid for more than 40 calendar days from the date reported, the insurer shall provide a reasonable written explanation for the delay to parties concerned in the matter. The procedure shall be repeated each 30 calendar days thereafter until the claim is paid, unless the delay is caused by external factors that are beyond the company's control. Any letter written shall contain the following statement:

"Should you wish to take this matter up with the Illinois Insurance Department, they maintain a Public Services Division to investigate complaints at Springfield, Illinois 62767."

E. There exists an unreasonable delay to pay automobile property damage liability claims when a median payment period is in excess of 60 calendar days.

F. If an automobile property damage liability claim remains unsettled in excess of 60 calendar days from the date reported, the insurer shall provide a reasonable written explanation for the delay to parties concerned in the matter. This procedure shall be repeated each 30 calendar days thereafter until the claim is paid, unless the delay is caused by external factors that are beyond the company's control. Any letter written shall contain the following statement:

"Should you wish to take this matter up with the Illinois Insurance Department, they maintain a Public Services Division to investigate complaints at Springfield, Illinois 62767."

G. The median period will be measured from date of notification to date of final payment. Notification given to an agent of an insurer shall be notification to the insurer.

H. The company shall affirm or deny liabilities on first or third party claims within a reasonable time, and shall make payments within 30 days of affirmation of liability.

Section 7. (Implements Section 154.6(d), (h) of the Illinois Insurance Code.)

A. When the insurance policy provides for the adjustment and settlement of first party automobile total losses on the basis of actual cash value or replacement with other of like kind and quality, one of the following methods must apply:

THE COMPANY MAY ELECT TO OFFER
A REPLACEMENT VEHICLE.

(1) A replacement vehicle is defined as a specific, comparable, and available vehicle that is both furnished and paid for by the company, with no additional cost to the insured other than his deductible.

In the event the insured elects a cash settlement instead of such replacement vehicle, the company need pay only the amount it would have otherwise paid for the replacement vehicle, including all applicable taxes and license fees. As a condition precedent to this method of settlement, the company must first offer the replacement vehicle to the insured and the insured must reject the offer. Both the offer and rejection must appear in an examination of the file.

THE COMPANY MAY SELECT A CASH SETTLEMENT

(2) A cash settlement must be based upon the retail value of the automobile as published in a generally recognized source that is uniformly and regularly used by the company. Any deviation from this procedure must be supported by documentation that gives detailed information about the automobile's condition. Any deductions from retail valuations must be measurable, discernible, itemized and specified concerning dollar amount, and they shall be appropriate in amount.

If the retail value of the specific automobile is not published in the generally recognized source, which is used uniformly and regularly by the company, the company must secure retail value dealer quotations and base the settlement upon them. Any deviation from this practice must be supported by documentation giving particular information about the automobile's condition. The source of the dealer quotations must be maintained in the claim file.

(3) The company shall provide a reasonable written explanation to the concerned parties when cash settlement offers, as set forth in (1) and (2), are made. The explanation must specify the dollar amount of the base figure and identify the actual source. Any additions or subtractions from the base dollar figure must be identified and explained.

B. Unreasonable Travel

(1) The insured or claimant can not be required to travel unreasonably to inspect a replacement vehicle, nor can the insured or claimant himself be required to locate a replacement vehicle.

(2) The insured or claimant can not be required to travel unreasonably to obtain a repair estimate or to have his vehicle repaired at a specific repair shop that is recommended by the company.

C. If partial losses are settled on the basis of an estimate prepared by the company, or on the basis of any estimate prepared at the company's direction, regardless of the actual source of

that estimate, the company must supply the insured or claimant with a copy of the estimate upon which the settlement is based. The company must supply the insured or claimant with the name of a repair shop that will effect repairs within the amount of settlement.

If the company is not able to provide the name of such repair shop, and reasonable additional costs for repair or replacement are incurred, the amount of these costs in excess of the company's appraisal price shall be at the expense of the company.

D. Betterment

(1) Betterment deductions are allowed if measurable and if the claim file contains all information about such deduction. Such particulars shall be itemized and specified as to dollar amount and shall be appropriate for the amount of the betterment deduction.

(2) There is obligation that the insured or claimant supply parts for replacement.

E. (1) In those cases where liability is reasonably clear, the company may not engage in the practice of advising liability claimants to make claims under their own policies.

(2) The failure to effect settlement, under applicable first party insurance policies, on the basis that responsibility for payment should be assumed by other persons or insurers, is an unfair claims practice.

F. If an offer of settlement is less than the amount that is demanded, or if the claim is denied, the file must contain the basis of the lower offer or the denial. The company must provide a reasonable written explanation of the basis for the lower offer or the denial to parties concerned in the matter. The explanation must contain the following statement:

"We will, of course, be available to you to discuss the position we have taken. However, should you wish to take up this matter with the Illinois Department of Insurance, they maintain a Public Services Division to investigate complaints at Springfield, Illinois 62767."

NOTICE OF PROPOSED RULE MAKING

Agency: Office of the State Fire Marshal

Statutory Authorization: Chapter 127, Paragraph 132.5 (Section 5 of the Illinois Purchasing Act)

Type of Rule: Purchase Rule

Time, Place, and Manner in which all interested persons may present their views concerning the proposed action:

Any interested person may submit his or her views, commands, data or arguments concerning the proposed action on purchase rules by writing to Wilbert D. Anderson, 600 Armory Building, Springfield, Illinois. The Office of the State Fire Marshal will receive written comments postmarked no later than April 24, 1978.

The full text of proposed purchase rules immediately follows the Notice of Emergency Adoption in this issue.

NOTICE OF EMERGENCY RULEMAKING

Emergency Rules Become Effective Upon Filing with the Secretary of State and Remain Effective for a Period Not To Exceed 150 days.

Agency: *The Office of the State Fire Marshal: Adoption of Purchasing Rules.*

Statutory Authorization: *Chapter 127, Paragraph 132.5 (Section 5 of the Illinois Purchasing Act)*

Effective Date of Rule: *March 30, 1978*

Description of Emergency: *The Office of the State Fire Marshal is a newly created State agency. In order to comply with the Purchasing Act the Office of the State Fire Marshal must adopt purchasing rules, so that necessary purchases can be made to operate the office of the State Fire Marshal.*

Summary and Purpose of Emergency Rule: *These emergency rules adopt by reference the purchasing rules of the Office of the State Fire Marshal's purchasing rules.*

OFFICE OF THE STATE FIRE MARSHAL

TEXT OF EMERGENCY RULES

PURCHASING RULES AND REGULATIONS

1. Policy. Recognizing the necessity for economy in governmental expenditure, this agency is committed to the practices of competitive bidding and centralized purchasing.

2. Centralized Purchasing. Certain agencies have been charged with the responsibility for the central procurement of specified goods and services. Accordingly, this agency will obtain such goods and services as prescribed by law through such agencies, including the Department of Administrative Services, the Capital Development Board, Department of Personnel and such agencies as may be designated by law. Such goods and services shall include but not be limited to the following: supplies, commodities, equipment, utilities, printing, printing paper, stationery, envelopes, insurance, vehicle maintenance and repairs, telecommunications equipment and services, electronic data processing equipment and services and construction materials and services.

3. Acquisition of Services not elsewhere provided for herein. This agency will enter into service agreements in accordance with the Illinois Purchasing Act.

4. Right of Rejection. This agency reserves the right to reject any and all bids, offers or proposals received by it with respect to any invitation to bid or request for proposal issued by this agency.

5. Governing Provision. These rules are subject to the provisions of the "Illinois Purchasing Act" and all other applicable laws of the State of Illinois.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ROOM D-1, STRATTON OFFICE BUILDING
SPRINGFIELD, ILLINOIS
1:00 P.M.
APRIL 18, 1978
AGENDA

I. Old Business

(1) Approval of last meeting's minutes
(2) Possible amendments to IAPA

II. New Business

(1) Review of Proposed Rules

A. Department of Aging

1. Proposed repeal of the Rule for the Application for Funds Under Title V of the Older Americans Act.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

B. Department of Agriculture

1. Proposed adoption of new and revisions to the rules and regulations relating to Livestock Auction Markets and Marketing Centers.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

2. Proposed adoption of new and revisions to the rules and regulations relating to the Illinois Swine Disease Control and Eradication Act.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

3. Proposed revisions to the rules and regulations relating to Swine Brucellosis.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

4. Proposed revisions to the rules and regulations relating to Bovine Brucellosis.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

5. Proposed repeal and revisions to the rules and regulations relating to Diseased Animals.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

6. Proposed repeal and revisions to the rules and regulations relating to Bovine Tuberculosis.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

C. Department of Children and Family Services

Proposed adoption of rules and regulations entitled "Criminal History Checks of Foster Home Applicants".
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

D. Department of Conservation

Proposed amendment to regulations pertaining to the Hunting of White-Tailed Deer with Firearms.
-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

E. Department of Corrections

1. Proposed rules and amendments to Adult Division Administrative Regulations:

a. Correctional Industries
b. Demotion and Restoration in Grade
c. Statutory Good Time
d. Institution Credits
e. Mail Privileges for Residents
f. Use of Therapeutic Restraint Measures
g. Good Conduct Credits
h. Grievance Procedures for Residents
i. Meritorious Good Time
j. Compensatory Good Time Credits
k. Community Correctional Center Revocation
l. Hearings
m. Independent Release Time
n. Community Correctional Center Leaves
o. Level System
-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

2. Proposed rules and amendments to Juvenile Division Administrative Regulations:

a. Reporting Unusual Incidents
b. Discipline
c. Transfer of Youths
d. Emergency Transfer of Youths
e. Attorney Visitation
f. Use of Alternative Placements for Youth

g. Statutory Good Time
h. Compensatory Good Time Credits
i. Good Conduct Credits
j. Institutional Credits
k. Meritorious Good Time
l. Good Time for Misdemeanants
m. Advocacy Services
n. Request for Changes in Dispositional Orders
o. Writs of Habeas Corpus for Appearance of Youths in Court
p. Warrants for Apprehension-Issurance and Cancellation
q. Transfer of Youths to the Department of Mental Health and Developmental Disabilities
r. Master Record File
s. Daily Population Reports
t. Research and Evaluation
u. Interstate Compact
v. Release of Information to Other Agencies
w. Monitoring of Services of Youths Placed with Other Agencies
x. Notice of Eligibility for Parole
y. Reception and Assessment Procedure and Reports

-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

F. Dangerous Drugs Commission

Proposed amendment to Article VII of the rules and regulations for Drug Abuse Programs.
-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

G. Illinois Office of Education

Proposed amendment to the rules and the regulations to govern the administration and operation of the secular textbook loan program as they pertain to administrative practices.
-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

H. State Board of Elections

1. Proposed adoption of amendment to Regulation 1976-10 expanding the authority of the regulation to Community College District Elections and requiring qualified civic organizations to register with election authorities if they seek entitlement to pollwatchers.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

2. Proposed adoption of regulation, Section 9.11, Filing Option for a Federal Political Committee.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

I. Illinois Industrial Commission

Proposed amendment to the rules governing practice before the Industrial Commission under the Workmen's Compensation and Occupational Disease Acts.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

J. Department of Insurance

Proposed rule 20.07 minimum standards of Individual Accident and Health Insurance.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

K. Illinois Law Enforcement Commission

Proposed adoption of Financial Guidelines.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

L. Department of Law Enforcement

Proposed adoption of rules and regulations entitled, "Rules and Regulations governing Individual Rights to Access and Review Criminal History Record Information".
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

M. Department of Personnel

Proposed adoption of rate and classification schedule as utilized in the Illinois Department of Personnel Pay Plan for the position and annual salary ranges of Administrative Physicians as reflected in Part IV Administrative Physician Rates.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

N. Department of Public Aid

1. Proposed amendment to rule 7.05 concerning confidentiality of Case Information.
-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

2. Proposed amendment to rule 7.03 concerning Appeals and Fair Hearings.
-Notice Published in Illinois Register: 3-17-78
-Expiration of Notice Period: 5-1-78

3. Proposed amendment to the rule 3.31 on Registration/Participation Requirements.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

4. Proposed amendment to rule 4.14 on Group Care Services.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

O. Department of Public Health

1. Proposed amendment to rule 4.05.1, of the Illinois Health Facilities Planning Board, Rules for processing application for Permit Filed by Hospitals.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

2. Proposed amendment to section 4B.05 of the Illinois Health Facilities Planning Board, Rules for processing applications for Permit Filed by Long-Term Care Facilities.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

P. Illinois Racing Board

Proposed repeal of rules regarding big "Q" and big "P" Wagering.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period: 5-8-78

Q. Department of Registration and Education

1. Proposed amendment to rules and regulations promulgated for the administration of the Illinois Medical Practice Act: Rule VIII-Temporary Certificates of Registration.
-Notice Published in Illinois Register: 3-10-78
-Expiration of Notice Period: 4-24-78

2. Proposed amendment to the rules and regulations promulgated for the administration of the Illinois Veterinary Medicine and Surgery Practice Act: Rule I Application for Examination.
-Notice Published in Illinois Register: 3-24-78
-Expiration of Notice Period· 5-8-78

R. Secretary of State

Proposed adoption of new Rules on Rules and the repeal of the old Rules on Rules.
-Notice Published in Illinois Register: 3-31-78
-Expiration of Notice Period: 5-15-78

Any person who has any questions concerning this agenda should call (217) 785-2254.

NOTICE BY THE ILLINOIS RACING BOARD

OF THE PROPOSED AMENDMENT

TO THOROUGHBRED RULE 335.

NOTICE

The Illinois Racing Board, pursuant to the statutory authority contained in Section 9(b) of the Illinois Horse Racing Act of 1975, (Ill. Rev. Stat., Ch. 8, Sec. 37-9(b)), proposes to amend Thoroughbred Rule 335 to permit race tracks to hire qualified para-medics in lieu of physicians during racing hours. The title of the rule will also be changed to reflect the amendment to the rule.

All interested persons are invited to submit their views concerning the proposed action by filing written comments with the Secretary of the Board at the following address:

Illinois Racing Board
160 North LaSalle Street
Chicago, Illinois 60601

Comments may be filed either in person or by mail. All comments must be filed within 30 days of the date of publication of this issue of the ILLINOIS REGISTER.

Rules and Regulations of Horse Racing

Thoroughbred Rule 335 Medical Services

All race track operators during the period within which they are conducting a race meeting, shall furnish a licensed physician or an Advanced Emergency Medical Technician, certified by the Department of Public Health, in an area serviced by an Advanced Life Support Program, approved by the Department of Public Health, each day that their tracks may be opened for racing; shall furnish a registered, trained nurse to render medical services or treatment to all horsemen, exercise boys, grooms, or other persons lawfully employed or licensed at such meetings without charge to such patients. The operators shall also maintain a first aid station or examining room where ambulatory patients may present themselves for diagnosis and treatment.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTIONS

At its meeting on March 23, 1978, the Joint Committee on Administrative Rules objected to the Illinois Department of Revenue's proposed amendments to the Coin-Operated Amusement Tax Device rules, originally published in the February 24, 1978 issue of the Illinois Register. Failure of the agency to respond within 90 days of receipt of the Statement of Objections shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objections are as follows:

1. Proposed Rule 2, Section 4, which reads in part:
   A license may be issued for any fractional portion of a license year, but not less than a month. Even a fractional year will end on the ensuing July 31. A fractional license year cannot be issued for one or more months ending with some date other than July 31.

This proposed rule is confusing. If it is the Department's intent that any fractional year license expire on the July 31 following its issuance, it should be so stated. For example: "All fractional year licenses shall expire on the ensuing July 31."

2. Proposed Rule 2, Section 4.

If this proposed rule is not changed, as suggested in Objection 1, the phrase "fractional license year" in the last sentence of the section is apparently a typographical error and should be corrected to "fractional year license."

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTIONS

At its meeting on March 23, 1978, the Joint Committee on Administrative Rules objected to the Illinois Department of Public Health's proposed rules implementing the Choke-Saving Methods Act, Ill. Rev. Stat. 1977, Ch. 56 1/2, par. 601 et seq., originally published in the February 10, 1978 issue of the Illinois Register. Failure of the agency to respond within 90 days of receipt of the Statement of Objections shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

Proposed Rule 3 which reads:

Rule 3. Program Administration

The Illinois Department of Public Health, Division of Emergency Medical Services and Highway Safety is responsible for the program coordination on a statewide basis. The Illinois Department of Public Health designed placards which are available free of charge to food service establishments.

The Joint Committee objects to this proposed rule because Section 3.1 of the Choke-Saving Methods Act (Ill. Rev. Stat. 1977, Ch. 56 1/2, par. 603.1) requires the Department to distribute placards to food service establishments.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTIONS

At its meeting on March 23, 1978, the Joint Committee on Administrative Rules objected to the Illinois Department of Insurance's proposed Rule 22.01, regarding pension examination and compliance procedure, originally published in the March 3, 1978 issue of the Illinois Register. Failure of the agency to respond within 90 days of receipt of the Statement of Objections shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objections are as follows:

1. The Proposed Rule was published in the March 3, 1978, issue of the Illinois Register. Persons wishing to comment on the Proposed Rule at the hearing were required to so notify the Director by March 15, 1978, twelve days after publication. Section 5(a)(2) of the IAPA requires an agency to accept comments from interested persons who submit requests to comment within 14 days of publication. It appears that Proposed Rule 22.01 has been published in violation of the notice provisions of the IAPA, and the action of the Department to adopt this rule will not be valid.

2. Section 3D(3) of Proposed Rule 22.01, which reads as follows:

> Section 3. Examinations.
>
> . . . .
>
> D. The procedure to be followed for compliance, where necessary:
>
> . . . .
>
> 3. The Director as the result of the hearing shall Order compliance within 30 days of his Order in those areas found not to be in compliance and failure to comply within the 30 day time period may subject the fund or system to a fine.

The Joint Committee objects to this section because it does not contain criteria to be used by the Director in deciding whether or not to levy a fine for non-compliance.

3. Proposed Rule 22.01, based on authority granted by P.A. 80-906, puts into the form of a rule pertaining only to smaller local funds and systems the requirements contained in Ill. Rev. Stat. 1977, ch. 108 1/2, par. 22-502. This latter section pertains to all government employee pension, annuity and retirement funds or systems. The Joint Committee doubts that the intent of the General Assembly in enacting P.A. 80-906 was simply to authorize the Department to enact rules implementing par. 22-502 only as to some and not all of the funds covered by par. 22-502. Rather, it was obviously the legislative intent by P.A. 80-906 to enable the Department to deal by rule with problems peculiar to those smaller local funds and systems.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTIONS

At its meeting on March 23, 1978, the Joint Committee on Administrative Rules objected to the Illinois Department of Registration and Education's proposed rules for the administration of Public Act 80-236 originally published in the February 24, 1978 issue of the Illinois Register. Failure of the agency to respond within 90 days of receipt of the Statement of Objections shall constitute withdrawal of the proposed rulemaking in its entirety.

The specific objection is as follows:

The Joint Committee objects to these rules in their entirety because there is no statutory authority for rulemaking conferred upon the Department of Registration and Education for the purposes of Public Act 80-236.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTIONS

The Joint Committee On Administrative Rules, at its meeting on March 23, 1978, objected to the Proposed Second Edition of Rule 9 of the Illinois Health Facilities Planning Board, Standards And Criteria For Review Of Applications For Permit For Technologically Innovative Equipment Or Innovative Programs, originally published in the February 3, 1978 Illinois Register.

The specific objection is as follows:

Proposed Paragraph 9.03.06 reads:

9.03.06 "TIE Committees and Innovative Programs Committees," shall be committees appointed by the Chairman of the State Board. Each Committee shall consist of a minimum of two members of the State Board (one consumer, one provider) of which one shall be designated as the chairman of the committee, one agency staff member, one person representing the appropriate health care facility organization (e.g., related to hospitals), one consumer member of the Board of a recognized areawide health planning organization, one recognized areawide health planning organization staff member, and a minimum of two experts in the applicable field to which the TIE or Innovative Program relates. The Executive Secretary shall solicit the assistance or appropriate professional, scientific, and other sources to identify experts whom the Chairman can consider for appointment.

There shall be a TIE Committee for each type of equipment which is to be considered for a classification as TIE and an Innovative Program Committee for each type of program which is to be classified or considered for classification as an Innovative Program. The committee shall continue to function until the particular TIE or Innovative Program is declassified by the State Board.

The Joint Committee objects to this proposed paragraph as beyond the scope of the statute in that it is not conducive to the expressed purpose of the Illinois Health Facilities Planning Act (Ill. Rev. Stat. 1977, ch. 111 1/2, par 1152)

to promote the establishment of an orderly and comprehensive health care delivery system which will guarantee the availability of quality health care to the general public. The Joint Committee is particularly disturbed by the absence of any provision in Paragraph 9.03.06 or elsewhere which would establish a time-frame for appointment of a TIE or Innovative Program Committee and the absence of any provision which would establish a time-frame for classification by such committees.

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